



Legislation Text

File #: 1693-2020, **Version:** 1

Council Variance Application: CV20-024

APPLICANT: Prime AE Group, c/o Craig M. Vander Veen; 8415 Pulsar Place, Suite 300; Columbus, OH 43240.

PROPOSED USE: Fresh market food pantry.

SOUTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a vacant grocery store building zoned in the C-3, Commercial District and located within the Cleveland Avenue/South Linden Urban Commercial Overlay (UCO). The requested Council variance will allow the repurposing of the existing building into a fresh market food pantry, which is classified as a C-4, Commercial District use. A variance to reduce the amount of required glass on the building's primary frontage is included in the request. The site is within the planning area of the *South Linden Land Use Plan C2P2* (2018), which recommends "Mixed Use 3" land uses at this location, and includes complete adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). The request is consistent with the recommendations of the Plan, and includes a commitment to a site plan which incorporates the provision of street trees and the removal of the existing curb cut along Cleveland Avenue to improve the pedestrian experience for this site. Additionally, the proposal includes a high level of site and architectural design which is compatible with the recommendations of the C2P2 Design Guidelines.

To grant a Variance from the provisions of Sections 3355.03, C-3 permitted uses; and 3372.705(F), Building design standards, of the Columbus City Codes; for the property located at **1464 CLEVELAND AVE. (43211)**, to permit a fresh market food pantry with reduced Urban Commercial Overlay standards in the C-3, Commercial District (Council Variance #CV20-024).

WHEREAS, by application #CV20-024, the owner of property **1464 CLEVELAND AVE. (43211)**, is requesting a Council Variance to permit a fresh market food pantry with reduced Urban Commercial Overlay standards in the C-3, Commercial District; and

WHEREAS, Section 3355.03, C-3 permitted uses, does not permit a food pantry, while the applicant proposes to redevelop the existing building into a fresh market food pantry; and

WHEREAS, Section 3372.705(F), Building design standards, requires a minimum of 40 percent of the area between the height of two feet and ten feet above grade to be in clear window glass that permits a full unobstructed view of the interior to a depth of at least four feet, while the applicant proposes to renovate an existing building and incorporate a minimum of 45 percent glass on the primary building frontage; and

WHEREAS, the South Linden Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances would permit the adaptive reuse of an existing building into a food pantry that incorporates a high level of site and architectural design elements and includes the provision of streetscape improvements that are consistent with C2P2 Design Guidelines; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **1464 CLEVELAND AVE. (43211)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance be granted from the provisions of Sections 3355.03, C-3 permitted uses; and 3372.705(F), Building design standards, of the Columbus City Codes; for the property located at **1464 CLEVELAND AVE. (43211)**, insofar as said sections prohibit a food pantry use in the C-3, Commercial District; with a reduction of required glass from 60 percent to 45 percent of the building's primary frontage; said property being more particularly described as follows:

1464 CLEVELAND AVE. (43211), being 0.51± acres located at the southeast corner of Cleveland Avenue and Chittenden Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and City of Columbus:

Being Lots Numbered 1, 2 and 2, Clare Subdivision, as the same are numbered and delineated on the recorded plat thereof, of record in Plato Book 10, Page 280, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin at the point of intersection of the easterly line of Cleveland Avenue (55 feet wide) and the southerly line of Chittenden Avenue (50 feet wide), said point being the northwest corner of said Lot Numbered 3;

Thence South 55° 51' 40" East along the north line of said Lot Numbered 3 and along the south line of Chittenden Avenue, a distance of 175.06 feet to an iron pin at the point of intersection of the southerly line of Chittenden Avenue and the westerly line of an alley 16 feet wide, said point being the northeast corner of said Lot Numbered 3;

Thence South 35° 56' 20" West along the east line of said Lots Numbered 3, 2 and 1, and being the west line of said 16 foot alley, a distance of 129.17 feet to an iron pin at the southeast corner of said Lot Numbered 1;

Thence North 55° 21' 20" West along the south line of said Lot Numbered 1, a distance of 175.15 feet to an iron pin at the southwest corner of said Lot Numbered 1, and the east line of Cleveland Avenue;

Thence North 36° 00' 00" EAST ALONG THE WEST LINES OF SAID Lot 1, 2 and 3 and along the east line of Cleveland Avenue, a distance of 127.62 feet to the place of beginning, together with all rights, reversionary or otherwise, in the abutting avenues and alleys.

Subject to all legal highways, easements, restrictions and right of ways of record.

More commonly known as: 1464 Cleveland Ave., Columbus, OH 43211
Permanent parcel ID #010-027266-000

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a food pantry in accordance with the submitted site plan, or those uses permitted the C-3, Commercial District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**CHANGE OF USE PLAN**," signed by Craig Vander Veen and dated June 24, 2020. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance is further conditioned on the applicant conveying 35 feet of right of way from the centerline of Cleveland Avenue to the City of Columbus in conjunction with the final Site Compliance Plan.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.